

TRIAL TRANSCRIPT AUGUST 19, 2025

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Richard Seeborg, Judge

ANIBAL RODRIGUEZ, et al.,)	
individually and on behalf of)	
all others similarly situated,)	
)	
Plaintiffs,)	
)	
VS.)	NO. 3:20-CV-04688 RS
)	
GOOGLE LLC,)	
)	
Defendant.)	
_____)	

San Francisco, California
Tuesday, August 19, 2025

TRANSCRIPT OF JURY TRIAL PROCEEDINGS

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CSR No. 7445, Official United States Reporter

OPENING STATEMENT / DAVID BOISE

1 around a little bit, so the microphone doesn't work for me --
2 the stationary mic doesn't work for me too well.

3 But I wanted to say that we know this can be a burden, but
4 we hope you also find it rewarding.

5 Every case is important. This case, because of the
6 principles at stake and because of the money at stake, is
7 particularly important to everybody here. Your verdict,
8 whatever it is, is going to have impact.

9 As Judge Seeborg said, this is a case about mobile apps,
10 the kind of apps that everybody has on their Android or Apple
11 smartphone or other device. There are two kinds of apps.
12 There are Google Apps like Maps, and there are third-party apps
13 like Spotify, Reddit, GoodRX, Zillow. This case is about
14 third-party apps. You'll hear some references to Google Apps,
15 but the claims here are related to third-party apps.

16 It will not be disputed, I believe, that Google supplies
17 software to third-party app developers -- to most third-party
18 app developers -- not all, but most -- that enable Google to
19 collect data from people's use of those third-party apps.

20 What will be disputed here are two facts. One, did
21 Google, in fact, take, copy, use data from our plaintiffs' use
22 of third-party apps? Second, did our plaintiffs give
23 permission or consent for Google to take, collect, or use data
24 from their use of third-party apps?

25 I submit the evidence is going to show, first, Google did,

OPENING STATEMENT / DAVID BOISE

1 And, remember, this is a case about third-party apps.

2 So Google tells its users, "If you want to turn off our
3 collection of data from your use of third-party apps, you've
4 got two ways of doing it. You can turn off WAA or you can turn
5 off sWAA."

6 The plaintiffs and the plaintiffs' class are the
7 97,999,000, almost 98 million, users who turned sWAA off either
8 by turning WAA off, or who left WAA turned on and turned off
9 sWAA. These 98 million people made an affirmative statement to
10 Google. Not only were they not giving permission and consent,
11 but they were affirmatively saying to Google, "Do not take our
12 data."

13 Now, our plaintiffs represent about 28 percent -- it's at
14 least 28 percent. It could be as much as a third, but it's at
15 least 28 percent of Google's users. At least 28 percent of the
16 Google users turned either WAA or sWAA off, telling Google not
17 to collect their data from their use of third-party apps.

18 So Google told -- was told not to collect data. Google
19 collected their data anyway for 98 months, from July 2016 to
20 September 2024. During that period of time, Google profited by
21 billions of dollars but paid users nothing.

22 Now, as Judge Seeborg said, we have two class
23 representatives. They represent this class. I want to
24 introduce them to you. One is Pete Rodriguez, and the other is
25 Julian Santiago, and you will hear both of them -- both of them

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1 **THE COURTROOM DEPUTY:** So make sure you speak clearly
2 into the microphone for our court reporter.

3 Could you please state your full name for the record and
4 spell your last name.

5 **THE WITNESS:** Yes. It's David Michael Monsees. Last
6 name is spelled M-o-n-s-e-e-s.

7 **THE COURTROOM DEPUTY:** Thank you.

8 **DIRECT EXAMINATION**

9 **BY MR. CARMODY:**

10 **Q.** All ready? Good morning, sir.

11 Let's begin with who you are. You're a current Google
12 employee; fair?

13 **A.** That's correct.

14 **Q.** And your job is senior product manager?

15 **A.** That's correct.

16 **Q.** And you have supervisory authority over Web & App
17 Activity; fair?

18 **A.** Yes.

19 **Q.** And Web & App Activity, as we've heard, is abbreviated or
20 pronounced sometimes WAA; correct?

21 **A.** That's right.

22 **Q.** And let's just be clear for what we're talking about here.
23 Web & App Activity, or WAA, is a setting that Google
24 provides to its users; correct?

25 **A.** That's right. It's a Google Account setting along with a

1 few other account-level settings we have.

2 Q. And Web & App Activity, kind of hence its name, is about
3 activity in websites and apps; correct?

4 A. That's right. The base Web & App Activity setting is
5 specifically about websites and apps that Google provides, so
6 Google search or Google Maps, things like that.

7 Q. Yes.

8 And you understand -- well, part of your job, of course,
9 is working on web pages that provide WAA disclosures to
10 users -- Google users; correct?

11 A. That's right.

12 Q. And you understand those statements are at issue in our
13 case?

14 A. Yes, I do.

15 Q. And people come to you within Google from time to time to
16 inquire about WAA; correct?

17 A. That's right.

18 Q. And you prepared today with Google lawyers to give your
19 best testimony; correct?

20 A. Yes, I did.

21 Q. You've had a fair amount of time to prepare with them;
22 right?

23 A. Yes, I have.

24 Q. Okay.

25 A. I've been working on this for quite a few years now.

1 third-party apps that's embedded in those third-party apps;
2 fair?

3 **A.** Right. If the third party or the developer integrates our
4 solution like an ad unit, then, yes, we would serve that on the
5 third-party site.

6 **Q.** And a Google user may not even know those display ads are
7 being sent from -- to Google; correct?

8 **A.** I believe Google Ads always identify with an "About this
9 Ad" control, but I think in general, yeah, it's -- you know,
10 the user is thinking that they're using the third-party site;
11 and, you know, the third party is just using the solutions that
12 we provide to them.

13 **Q.** So we could agree, then, a user may be on an Uber app and
14 not realizing that the information is also being provided to
15 Google; fair?

16 **A.** I believe most third-party app developers do or are
17 required to disclose the different providers they use, but
18 I think it's fair.

19 **Q.** We can agree; correct?

20 **A.** I would agree.

21 **Q.** Okay. Now let's talk about Google Analytics.

22 Another example of Google's services in third-party apps
23 are Google Analytics; correct?

24 **A.** That's correct.

25 **Q.** And that's a fancy word, but a simple way to explain

1 "analytics" is it's collecting info, information about what
2 users are doing on these third-party apps; correct?

3 **A.** It's really -- analytics are all about measurement, how do
4 you help an app developer understand how their app is being
5 used.

6 **Q.** Was the answer to my question "yes"?

7 **A.** Yes.

8 **Q.** Okay.

9 **A.** I think that's fair.

10 **Q.** And Google Analytics software also sends Google data
11 directly from what users are doing on third-party apps;
12 correct?

13 **A.** It really depends on how the third-party app has decided
14 to integrate Google Analytics. Google Analytics has, I think,
15 a lot of different features that we make available to site and
16 app developers. So I think what gets sent into
17 Google Analytics really depends on how, you know, Reddit or
18 Yelp, in the examples we're using, have chosen to put that
19 software into their development.

20 **Q.** My question is maybe a teeny bit different, and maybe I
21 wasn't clear.

22 It's fair to say when Google Analytics are embedded in
23 third-party apps like Reddit or Uber, when I'm on that site
24 doing some business with Uber, that information is being
25 directly sent to Google; correct?

1 **MR. SANTACANA:** Objection. Foundation.

2 **THE COURT:** Overruled.

3 **BY MR. CARMODY:**

4 **Q.** Correct?

5 **A.** Yeah. I see what you're saying.

6 **Q.** Okay.

7 **A.** I think my previous statement was right. It really
8 depends on what the third-party developer is choosing to send,
9 but, yes, that data would go from the Uber app to
10 Google Analytics.

11 **Q.** Well, let's continue with the privacy policy and go down a
12 little bit below. And right there it says [as read]:

13 "And across" -- "And across our services,
14 you" --

15 And that's referring to the Google user; correct?

16 **A.** That's correct.

17 **Q.** [As read]:

18 -- "you can adjust your privacy settings to
19 control what we collect and how your information is
20 used."

21 Correct?

22 **A.** Yes, that's correct.

23 **Q.** I mean, Google is telling its users two different things.
24 It starts with a headline "You control what we collect";
25 correct? That's what Google's saying.

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1 2019, shortly before Mr. Ruemmler's email. You have no basis
2 to disagree; correct?

3 **A.** Right. No reason to disagree.

4 **MR. CARMODY:** Okay. I move in 113 -- Plaintiffs' 113.

5 **MR. SANTACANA:** No objection.

6 **THE COURT:** 113 will be admitted.

7 (Trial Exhibit PX113 received in evidence.)

8 **BY MR. CARMODY:**

9 **Q.** And Google gives this page, this help -- the WAA help page
10 so that its users could understand what WAA does and doesn't
11 do; correct?

12 **A.** That's right.

13 **Q.** And, again, it's important for Google to be accurate and
14 complete with everything it says in this help page; fair?

15 **A.** Yes. We always want to be as accurate as we can.

16 **Q.** And you -- because you understand and think it's fair for
17 users to rely on Google's help page; correct?

18 **A.** That's right.

19 **Q.** Okay. So now let's go through this together.

20 Let me see. A page has gone missing. Would you hold
21 tight?

22 (Pause in proceedings.)

23 **MR. CARMODY:** Thank you for the help here.

24 **BY MR. CARMODY:**

25 **Q.** So let's -- before we get to Mr. Ruemmler's email to you,

1 know who clicked on Ads which would be bad."

2 So then he says [as read]:

3 "So, obviously, the opposite of on is not really
4 the way it should work."

5 Correct?

6 **A.** Yes. That's what he's saying here --

7 **Q.** That's the words.

8 **A.** -- yeah.

9 **Q.** Well, let's stop here, though, and dissect this for
10 a minute.

11 I mean, the truth is, users' WAA-off data has value;
12 correct?

13 **A.** Yes. It's essential to providing the ad services
14 Mr. Ruemmler describes here.

15 **Q.** Google was making money from it during the entire class
16 period; correct?

17 **A.** Well, I mean, without this data that we save about ads
18 interactions, not only would Google not know what to charge, we
19 wouldn't know what to pay website and app developers that run
20 our ads. It's essential to the operation of ads business
21 whether WAA is on or off, and that's why we save the data, as
22 Mr. Ruemmler is mentioning, not against their Web & App
23 Activity, not against their Google Account. We save it as
24 de-identified information.

25 **Q.** Was the answer to my question "yes"?

1 Q. And "logged" means saved; correct?

2 A. That's right.

3 Q. Okay. So let's step back a second and see if we can make
4 sure we're all on the same wavelength.

5 We agree that when Google users visit third-party apps
6 that use Google Ads and Analytics, that data is sent right to
7 Google; correct? The user's data.

8 A. That's correct, if -- depending on what the third party
9 has decided to send in their Google Analytics.

10 Q. And we agree that after Google receives the user's data,
11 Google checks the user's consent status, that is, WAA on or WAA
12 off; fair?

13 A. Yes, or sWAA on or sWAA off or whatever is --

14 Q. Exactly.

15 And where Google saves that data you say depends on what
16 the user's WAA setting is; correct?

17 A. That's right. We don't save that data to their
18 Google Account if WAA is off. It wouldn't make any sense.

19 Q. You're getting ahead of me.

20 A. Oh, sorry.

21 Q. Okay. You say when WAA is on, Google is saving the user's
22 data into his or her Google Account -- what you called the
23 Google Account; right?

24 A. That's right.

25 Q. Okay. And you're telling us, though, when the user has

1 the WAA button off, Google's saving it somewhere else, not in
2 the Google Account; right?

3 A. That's right. We do not want to save that data to your
4 Google Account.

5 Q. The data that's being sent to Google is the same
6 regardless of what the user setting is; fair?

7 A. It may be, yes.

8 Q. Okay. And Google saves the user's data whether they have
9 the WAA button on or they chose to go WAA off; correct?

10 A. I believe it depends, but I think the key is we do not
11 save it to their Google Account if the WAA button is off. If
12 the WAA button is off, we would have to save it against, say, a
13 de-identified ID space, like what Mr. Ruemmler's describing
14 here.

15 Q. Do you remember my question?

16 A. Yes.

17 Q. What was the answer? Yes?

18 A. Yes, but I'm saying it depends on the type of data. We
19 might write it differently. We might not write it at all. So
20 it depends on the data.

21 Q. Can we be clear? Whether the WAA button is on or off,
22 whether a class member decides to put that toggle off --

23 A. Yeah.

24 Q. -- Google is still collecting the user's WAA-off
25 information; fair?

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1 A. Correct. If the data is de-identified, we wouldn't know
2 who to show it to because there's no ID associated with it. We
3 wouldn't know it's your data or my data.

4 Q. So the answer is a "yes" on that one; correct?

5 A. Yes.

6 Q. Okay. And there's no way for that user -- Google has the
7 data, just to be sure about it. So user has -- collects the
8 user's WAA-off data. As Mr. Rueemmler said, it's stored by
9 Google; correct?

10 A. That's correct.

11 Q. What he said was accurate then and accurate now; correct?

12 A. I think it might be a little bit more complicated.

13 Q. Let me -- can we just focus? Because you're going to have
14 a chance with your counsel to say basically anything you want.

15 But my question is simply this: When WAA was off, as
16 Mr. Rueemmler says, Google is still storing the user's WAA-off
17 information; fair?

18 A. Google would still store some WAA-off information. I
19 mentioned before not everything's the same.

20 Q. And Google does it today, as we sit here today; right?

21 A. And Google does that today, but --

22 Q. Okay.

23 A. -- as I mentioned, that WAA-off data is never going to be
24 saved against your account, which I believe is what
25 Mr. Rueemmler and I are talking about in this email.

1 "We need to change the description to indicate
2 even with the control off...."

3 And he's talking about with WAA toggle on off; right?

4 **A.** That's right.

5 **Q.** [As read]:

6 "... Google retains this data and uses it for
7 X purposes."

8 Do you see that?

9 **A.** I do.

10 **Q.** Google has not told its users "We're logging your data and
11 we're using it to make money off it"; correct?

12 **A.** I mean, I think if -- we skipped a paragraph. If we look
13 just right above, it's pretty clear that Mr. Rueemmler's concern
14 here is about data saved to your account without you having
15 transparency and control over it when WAA is off. And we
16 agreed. We changed this proposal based on feedback from folks
17 like Chris.

18 **Q.** I'm not talking -- sir, do you remember my question, first
19 of all, or no?

20 **A.** Yes. I'm saying I would have a concern, but I think we
21 skipped an important paragraph above it.

22 **Q.** I'm not talking about a proposal that was once discussed
23 and then maybe have been tabled. What I'm talking about is
24 where he says [as read]:

25 "We need to change the description to

1 of PX84; correct?

2 A. Correct.

3 Q. And the toggle is this turn on here and turn off here;
4 correct?

5 A. Correct.

6 Q. Okay. And what these users say -- and let's even step
7 back a second.

8 In fairness, Chris Ruemmler's concerns were well-founded,
9 his fears where he said he asked you three questions about a
10 research study. Remember that?

11 A. Yes, I do.

12 Q. And he feared people like him wouldn't understand what
13 WAA off means.

14 In fairness, Mr. Ruemmler was vindicated. I mean, this is
15 what we see; correct?

16 A. No. This study is testing a very different concept.
17 Actually, it's cool that we have the foam core up here because
18 if you look, it's a little bit below the table there, but it's
19 the auto delete section. We were creating a brand-new type of
20 control and that's what we were adding here.

21 What Mr. Ruemmler was discussing on the last email
22 chain --

23 Q. Yeah.

24 A. -- that we were looking at was about, remember that
25 proposal for changing the way WAA-off logging would work.